

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



Project Name: SHIPLEY MASON SHORT PLAT

Case Number: PLD2008-00065; SEP2008-00108

Location: 9914 NE 83rd Street & 9905 NE 86th Street

Request: Short plat approximately .88 acres into four single-family lots in the R1-6 zoning district

Applicant/Owner: George Shipley & Kathy Mason
9905 NE 86th Street
Vancouver, WA 98662
Phone - (360) 883-2758, **E-mail** - kmaship1@juno.com

Contact: George Shipley & Kathy Mason
9905 NE 86th Street
Vancouver, WA 98662

DECISION

Approval, with conditions

Team Leader's Initials: *RM* **Date Issued:** May 15, 2009

County Review Staff:

| | <u>Name</u> | <u>Phone Ext</u> | <u>E-mail Address</u> |
|----------------------------|-----------------------|-------------------------|--------------------------------------------------------------------------------|
| Planner: | Richard Daviau | 4895 | richard.daviau@clark.wa.gov |
| Engineer: | David Bottamini, P.E. | 4881 | david.bottamini@clark.wa.gov |
| Fire Marshal Office | Tom Scott | 3323 | tom.scott@clark.wa.gov |
| Team Leader: | Michael Butts | 4137 | michael.butts@clark.wa.gov |
| Eng. Supervisor: | Sue Stepan, P.E. | 4064 | sue.stepan@clark.wa.gov |

Comp Plan Designation: Urban Low Density

Zoning: R1-7.5

Legal Description: Lots 1 and 3 SP 3-361 (105811-015, 105811-035) in the Southwest Quarter of Section 4, Township 2, Range 2 east of the Willamette Meridian

Applicable Laws:

Clark County Code 15.12 (Fire Prevention); 40.220.010 (Single-family Districts); 40.350.020 (Concurrency); 40.350.030 (Roads); 40.370.010; (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.550.010 (Road Mod.); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws)

Neighborhood Association/Contact:

Sunnyside, **Contact** - George White (President), PO Box 820072, Vancouver, WA 98682, **Phone** - (360) 896-6216, **E-mail** - sunnyside5@pacifier.com

Time Limits:

The application was submitted on December 23, 2008 and was determined to be fully complete on February 26, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on May 15, 2009.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference was held on August 7, 2008. The pre-application conference information was sufficiently complete to qualify for contingent vesting and a fully complete application was filed within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the application is vested on the pre-application submittal date of July 17, 2008. The application is vested for transportation concurrency on February 12, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, neighborhood association, and property owners within 500 feet of the site on March 12, 2009.

Public Comments:

The County has not received written public comments on this proposal.

Project Overview

The applicant proposes to divide the subject site (Lots 1 and 3 SP 3-361) into four single-family residential lots. The site is located on the south side of NE 86th Street, approximately 350 feet east of NE 98th Avenue. Lot 1 will have access onto NE 86th Street and Lots 2, 3, and 4 will have access onto NE 83rd Street.

The following is a comprehensive plan, zoning and use chart of the area surrounding the site:

| Compass | Comp Plan | Zoning | Current Land Use |
|---------|-----------|--------|---------------------------|
| Site | UL | R1-7.5 | Single-family residential |
| North | UL | R1-7.5 | Single-family residential |
| South | UL | R1-7.5 | Single-family residential |
| East | UL | R1-7.5 | Single-family residential |
| West | UL | R1-7.5 | Single-family residential |

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Finding 1 - Lot Standards

The applicant is proposing a four lot short plat within the R1-7.5 zoning district. The minimum lot size allowed is 7,500 square feet; Lots 1, 3, and 4 meet this requirement. Lot 3 is only 7,025 square feet. Pursuant to CCC 40.200.040 (C), one lot in a short plat can be within 10% of the required lot area for the zone. Staff finds that lot 3 is within 10% of the required lot area for the zone and can be allowed. The average maximum lot size allowed in the R1-7.5 zone is 10,500 square feet. The average lot size of the proposed plat is 9,581 square feet which complies with the average maximum lot size requirement.

All lots in the plat comply with the lot dimensional requirements of the R1-7.5 zone.

Finding 2 - Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed plat.

- Twenty foot front setback
- Five foot standard side and rear setback

The applicant has identified the existing residential structure on lot 2 exactly 20 feet from the access easement. Under CCC 40.200.070 (A)(1)(b), projections including bay windows, overhanging breakfast nooks, cornices, canopies, eaves, belt courses, sills or other similar architectural features and fireplaces may extend up to two (2) feet into the

required setback. Compliance with the 20-foot setback requirement with acceptable projections shall be verified prior to final plat approval. (See Condition D-1)

Finding 3 - Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Condition D-7a).

Finding 4 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use):

Staff concludes that the proposed short plat complies with all land use requirements; therefore, the proposed short plat should be approved.

ARCHEOLOGICAL:

Finding 5

The proposal is located within a high probability area for containing cultural resources. An archaeological predetermination survey was submitted to the Washington State Department of Archaeology & Historic Preservation. No cultural materials were found and a recommendation that no further archaeological work is necessary was made. The State concurs with these findings and agrees with the recommendations (see Tab 15 of Exhibit 2).

If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County should be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines. (See Condition D-7b)

TRANSPORTATION CONCURRENCY:

Finding 6

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B. Staff has determined that additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

TRANSPORTATION:

Finding 7 - Roads

NE 86th St. is an "Urban Neighborhood Circulator" road and the required half-width improvements include 27 feet of right-of-way, 18 feet of paved width, curb, gutter, and sidewalk. NE 83rd St. is an "Urban Local Residential Access" road and the required

half-width improvements include 23 feet of right-of-way, 14 feet of paved width, curb, gutter, and sidewalk. It appears the minimum right-of-way and improvements exist.

Finding 8 - Sight Distance

The applicant indicates a professional engineer will verify that sight distance requirements are met.

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distances. (See Condition D-8)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to the condition, meets the transportation requirements of the Clark County Code

STORMWATER:

Finding 9 - Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate road runoff may be deducted from area calculations which is what the applicant is proposing.

The applicant has correctly stated that the amount of proposed impervious area that will be created is less than 5000 square feet; therefore, CCC 40.380.040(B) and CCC 40.380.040(C) do not apply.

Finding 10 - Stormwater Proposal

The applicant has proposed to infiltrate stormwater from the roof surface by using a downspout infiltration trench system. Infiltration rates were found to be at well over 100 inches per hour. (See Exhibit #7, Plat Note D-7f and Stormwater Condition D-9)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the condition above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 11

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5). Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-1)

Finding 12 - Fire Flow/Hydrants

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,000 gpm.

Fire hydrants are required for this application. The indicated existing fire hydrant is adequate.

Finding 13 - Fire Apparatus Access/Turnaround

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition D-2)

Fire apparatus turnarounds are not required.

HEALTH DEPARTMENT:

Finding 14

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-3)

WATER & SEWER SERVICE:

Finding 15

The applicant has submitted utility review from Clark Regional Wastewater District and the City of Vancouver and indicating that public sewer and water is available to the subject site. All lots in the plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition D-4)

IMPACT FEES:

Finding 16

Two residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. There will be a two lot impact fee credit in the proposed plat (the lots to be designated by the applicant) due to the existing residences. The site is within the Evergreen School District with a SIF of \$6,818.00, Park District 6 with a PIF of \$1,103.00 (acquisition) & 440.00 (Development), and the North Orchards Transportation Subarea with a TIF of \$5,539.60.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-7f & E-3)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on March 12, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Persons:

Planner: Richard Daviau - (360) 397-2375, ext. 4895

Team Leader/Responsible Official: Michael V. Butts, (360) 397-2375, ext. 4137

DECISION

Based upon the proposed plan and the findings and conclusions stated above, the Development Services Manager hereby **Approves** this request, subject to the following conditions of approval:

Conditions of Approval

A Final Construction Review

Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Erosion Control** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-2 **Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B Prior to Construction of Development

Review & Approval Authority: Development Inspection

Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

C Provisional Acceptance of Development

Review & Approval Authority: Development Inspection

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

None

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| D | Final Plat Review & Recording Review & Approval Authority: Development Engineering |
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 The final plat shall show compliance with the 20-foot setback requirement with acceptable projections (see Finding 2).
- D-2 The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Finding 13)
- D-3 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- D-4 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-5 **Developer Covenant** – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
 - a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - c. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this short plat are: \$6,818.00 (Evergreen School District), \$1,543.00 (\$1,103.00 - Acquisition; \$440.00 - Development for Park District #6), and \$5,539.60 (North Orchards TIF subarea) respectively. There will be a two lot impact fee credit in the proposed plat (the lot to be designated by the applicant) due to the existing residences. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

- D-6 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
- D-7 **Plat Notes** - The following notes shall be placed on the final plat:
- a. Mobile Homes: "In accordance with the provisions of CCC 40.260.130, mobile homes are not allowed on the lots in this plat."
 - b. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
 - c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
 - d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
 - e. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities - _____."
 - f. Downspout Infiltration Systems: "Roof downspout systems shall be constructed according to the associated detail and design information submitted to the county."
- D-8 A registered engineer shall ensure that sight distance requirements are met as outlined in CCC 40.350.030(B)(8) (see Finding 8).
- D-9 The applicant shall submit a stand alone detail and associated narrative to the county for the designed stormwater infiltration trench system (see Finding 10).

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| E | Building Permits |
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| Review & Approval Authority: Customer Service |
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-3 **Impact Fees** - The applicant shall pay impact fees for the proposed lots as follows (There will be a one lot impact fee credit due to the existing residence):
- a. \$6,818.00 per dwelling for School Impact Fees (Evergreen School Dist.)
 - b. \$1,543.00 per dwelling for Park Impact Fees (\$1,103 - Acquisition; \$440.00 - Development for Park District #6);

- c. \$5,539.60 per dwelling for Traffic Impact Fees (North Orchards TIF Sub-area)
If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

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|----------|------------------------------------------------------------------------------------------------------------|
| F | Development Review Timelines Review & Approval Authority: None Advisory to Applicant- |
|----------|------------------------------------------------------------------------------------------------------------|

- F-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- F-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

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| Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, it appealed. |
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Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on May 15, 2009. Therefore any appeal must be received in this office by 12:00 PM, May 29, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$1,166**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only -This is not part of the decision, but rather an attachment for processing purposes only.

| Final Plans Required with Construction Plans | YES | NO |
|-----------------------------------------------------|------------|-----------|
| Final Landscape Plan: | | X |
| -On-site landscape plan | | |
| -Right-of-way landscape plan* | | |
| Final Wetland Plan | | X |
| Final Habitat Plan | | X |

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

EXHIBIT A

